

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 14, 2002**

**ONE HUNDRED FIFTY-FIRST SESSION DAY**

**FOUR HUNDRED THIRTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, February 14, 2002

The Assembly met at 7 a.m.

Hon. Jay La Suer, Assembly Member, 77th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—63:

Aanestad	Cox	La Suer	Pescetti
Alquist	Daucher	Leach	Reyes
Aroner	Diaz	Leonard	Richman
Ashburn	Dickerson	Leslie	Runner
Bates	Dutra	Liu	Salinas
Bogh	Firebaugh	Longville	Simitian
Briggs	Florez	Lowenthal	Steinberg
Campbell, John	Frommer	Maddox	Strom-Martin
Canciamilla	Goldberg	Matthews	Thomson
Cardoza	Harman	Mountjoy	Vargas
Chan	Havice	Nakano	Washington
Chu	Horton	Nation	Wayne
Cogdill	Jackson	Negrete McLeod	Wiggins
Cohn	Keeley	Pacheco, Robert	Wyman
Corbett	Kehoe	Papan	Mr. Speaker
Correa	Kelley	Pavley	

Quorum present.

**At 10:33 a.m., Hon. Carl Washington, 52nd District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Calderon, Bill Campbell, Chavez, Hertzberg, Koretz, Rod Pacheco, Shelley, Strickland, and Wright.*

*On legislative business, and waiving per diem: Assembly Member Cardenas.*

*On personal business, and waiving per diem: Assembly Members Hollingsworth, Maldonado, Migden, and Zettel.*

*Because of illness: Assembly Members Oropeza and Wyland.*

*Because of illness in his family: Assembly Member Cedillo.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

February 8, 2002

*The Honorable Herb J. Wesson, Jr.*  
*Speaker of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I am writing to request to be excused from check in session on Thursday, February 14, 2002 and Session on Friday, February 15, 2002 to attend legislative business in my district.

Sincerely,

THOMAS M. CALDERON, Assembly Member  
Fifty-eighth District

February 12, 2002

*The Honorable Herb Wesson*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully ask to be excused on Thursday, February 14th. I will be away from the Capitol on legislative business in my District. I will be back for Session on Friday, February 15th.

If you have any questions regarding this matter, please feel free to call Char Booth at my office at 319-2071.

Thank you for your consideration in this matter.

Sincerely,

BILL CAMPBELL, Assembly Member  
Seventy-first District

February 7, 2002

*The Honorable Herb Wesson*  
*Speaker of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Check-In Session on Wednesday and Thursday, February 13 and 14, 2002, waiving per diem, in order to conduct legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

TONY CÁRDENAS, Assembly Member  
Thirty-ninth District

February 6, 2002

*The Honorable Herb J. Wesson, Jr.  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from check in Session on Thursday, February 14, and Friday, February 15, 2002. The purpose is to attend to legislative business in my District.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

February 7, 2002

*The Honorable Herb Wesson, Jr.  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Wesson: Please accept this request to be excused from Check-In Session on Thursday, February 14, 2002. I will be on legislative business in my District. Should you have any questions, please feel free to have your staff contact Diane Griffiths, my Chief of Staff.

Thank you in advance for your consideration of this request.

Sincerely,

ROBERT M. HERTZBERG, Assembly Member  
Fortieth District

February 9, 2002

*The Honorable Herb Wesson  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Session on Thursday, February 14, 2002 due to legislative business in my district.

Your prompt response to this request would be appreciated. Please contact me in my Capitol office should any questions arise.

Cordially,

PAUL KORETZ, Assembly Member  
Forty-second District

February 12, 2002

*Hon. Herb Wesson, Speaker  
California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker,

This letter is to respectfully request an excuse from check-in session on Thursday, February 14, 2002. I have Legislative business in my district office.

If you have any questions regarding this letter please contact Karrie Watson at 319-2064.

It is an honor serving with you in the California State Assembly.

Very truly yours,

ROD PACHECO, Assembly Member  
Sixty-fourth District

February 13, 2002

*The Honorable Herb Wesson  
Speaker, California State Assembly  
State Capitol Building, Room 219  
Sacramento, California*

Dear Speaker Wesson,

Please excuse me from session, Thursday, February 14, 2002, as I am attending a follow-up meeting in my district with constituents regarding my voting reform bills.

Should you have any questions, please do not hesitate to contact my office.

Sincerely,

KEVIN SHELLEY, Assembly Member  
Twelfth District

February 12, 2002

*The Honorable Herb Wesson  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from check-in session on Thursday, February 14, 2002 and floor session on Friday February 15, 2002. I have legislative meetings in my District Office. I will be flying out of the Sacramento International Airport into Burbank.

If you have any questions, please call my Capitol Director Tim Anaya or myself at 319-2037.

Sincerely,

TONY STRICKLAND, Assembly Member  
Thirty-seventh District

February 12, 2002

*The Honorable Herb J. Wesson, Jr.*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on Thursday, February 14, 2002, due to legislative business. Should you have any questions, please feel free to contact my office at (916) 319-2048.

Thank you for your attention to this request.

Sincerely,

RODERICK D. WRIGHT, Assembly Member  
Forty-eighth District

#### COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 12, 2002

*Mr. E. Dotson Wilson, Chief Clerk*  
*California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointment of Henry N. Dixon to  
California Earthquake Insurance Authority Governing Board  
and Advisory Panel

Dear Mr. Wilson: Please be advised I have appointed Mr. Henry N. Dixon as my designee to the California Earthquake Insurance Authority Governing Board and Advisory Panel. This is a pleasure appointment starting February 12, 2002. Mr. Dixon will be replacing Ms. Diane Griffiths.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California State Assembly

#### REPORTS

The following reports were presented by the Chief Clerk:

**North Coast Watershed Assessment Program**  
**(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Mary D. Nichols, Secretary, Resources Agency, dated February 5, 2002, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Veteran's Farm and Home Building Fund of 1943**  
**and the Veteran's Debenture Revenue Fund—**  
**Financial Reports for Years ended June 30, 2000 and 2001**  
**(Pursuant to several Veterans Bond Acts)**

Above transmitted report, together with letter of transmittal from Bruce Thiesen, Secretary, Department of Veterans Affairs, dated January 23, 2002, referred by the Speaker to the Committee on Appropriations.

**2002 Annual Report on the Operations of  
the Uniform Commercial Code Section of the Business Programs Division  
(Pursuant to Uniform Commercial Code Section 9527)**

Above transmitted report, together with letter of transmittal from Bill Jones, Secretary of State, dated January 30, 2002, referred by the Speaker to the Committee on Business and Professions.

**Contracting Report:  
Disabled Veteran Business Enterprise Participation  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Barry D. Keene, Director, Department of General Services, dated February 4, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**Crimes Against Homeless Persons  
(Pursuant to Senate Resolution 18)**

Above transmitted report, together with letter of transmittal from Chris Janzen, Director, Administrative Services Division, Department of Justice, dated February 4, 2002, referred by the Speaker to the Committee on Public Safety.

**Contracting Report:  
Disabled Veteran Business Enterprise Participation  
(Pursuant to Public Contract Code Section 10115.5 and  
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Don Wallace, Assistant Secretary Finance and Administration, Resources Agency, dated January 30, 2002, referred by the Speaker to the Committee on Utilities and Commerce.

**K-6 Reading Program Survey  
(Pursuant to Chapter 558, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated January 28, 2002, referred by the Speaker to the Committee on Education.

**2000-2001 Vocational Education Carryover Funds  
(Pursuant to Budget Act 2001, Item 6100-166-0890, Provision 3)**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated January 30, 2002, referred by the Speaker to the Committee on Budget.

**Independent Evaluation of  
the California High School Exit Examination:  
Analysis of the 2001 Administration  
(Pursuant to Education Code Section 60850 (4) (d) (Chapter 8))**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated January 30, 2002, referred by the Speaker to the Committee on Education.

**4th Semi-Annual Report on  
the Department of Toxic Substances Control Fees for  
July 1, 2001–December 31, 2001  
(Pursuant to Education Code Section 17213.3 (b))**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated February 5, 2002, referred by the Speaker to the Committee on Education.

**2001 4th Quarter Report on  
the Department of Toxic Substances Control Time Frame Monitoring  
(Pursuant to Education Code Section 17213.3(a))**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated February 5, 2002, referred by the Speaker to the Committee on Education.

**Expulsions in California Schools 1998–1999 Academic Year  
(Pursuant to Education Code Section 48664(e)  
(Chapter 974, Statutes 1995))**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated January 31, 2002, referred by the Speaker to the Committee on Education.

**Evaluation of Community Day School Programs:  
A Second Year Assessment  
(Pursuant to Education Code Section 48664(e)  
(Chapter 974, Statutes of 1995))**

Above transmitted report, together with letter of transmittal from B. Teri Burns, Deputy Superintendent, Government Affairs Branch, Department of Education, dated January 31, 2002, referred by the Speaker to the Committee on Education.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1938—Aroner (Coauthor: Reyes).** An act to amend Section 3401 of the Family Code, and to amend Sections 1470, 1513, and 1601 of, and to add Chapter 3 (commencing with Section 1610) to Part 2 of Division 4 of, the Probate Code, relating to guardianship, conservatorship, and custody.

**ASSEMBLY BILL NO. 1939—Daucher.** An act to add Article 4.2 (commencing with Section 53738) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and to amend Sections 96.1 and 96.5 of, and to add Section 96.51 to, the Revenue and Taxation Code, relating to local government finance.

**ASSEMBLY BILL NO. 1940—Matthews.** An act to amend Section 66412 of the Government Code, relating to local planning.

**ASSEMBLY BILL NO. 1941—Havice.** An act to add Section 53087.6 to the Government Code, relating to law enforcement.

**ASSEMBLY BILL NO. 1942—Chu.** An act relating to the Youth Anti-Bias Pilot Program.

**ASSEMBLY BILL NO. 1943—Chu.** An act to amend Sections 4935, 4937, 4938, 4939, and 4940 of the Business and Professions Code, relating to healing arts.

**ASSEMBLY BILL NO. 1944—Wright.** An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40500 and 40504 of the Vehicle Code, relating to identification.



**ASSEMBLY BILL NO. 1945—Simitian.** An act to add Section 54963 to the Government Code, relating to open meetings.

**ASSEMBLY BILL NO. 1946—Corbett.** An act to add Chapter 4 (commencing with Section 123222.1) to Part 1 of Division 106 of the Health and Safety Code, relating to public health.

**ASSEMBLY BILL NO. 1947—Washington.** An act to amend and repeal Section 11251.3 of, and to add Section 18901.3 to, the Welfare and Institutions Code, relating to human services.

**ASSEMBLY BILL NO. 1948—Kelley.** An act to add Section 56381.7 to the Government Code, relating to local agency formation commissions.

**ASSEMBLY BILL NO. 1949—Kelley.** An act relating to water.

**ASSEMBLY BILL NO. 1950—Wright.** An act to amend Section 19170 of the Government Code, relating to state employment.

**ASSEMBLY BILL NO. 1951—Vargas.** An act to amend Section 11024 of the Business and Professions Code, and to amend Sections 1689.5 and 1689.24 of the Civil Code, relating to home solicitations.

**ASSEMBLY BILL NO. 1952—Bogh.** An act to amend Sections 40106, 40201, 41781.2, 41783, and 41783.1 of, and to add Section 40107 to, the Public Resources Code, relating to solid waste.

**ASSEMBLY BILL NO. 1953—Leslie.** An act to amend Section 4 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to water.

**ASSEMBLY BILL NO. 1954—Vargas.** An act to amend Section 41135 of the Revenue and Taxation Code, relating to emergency telephone surcharges.

**ASSEMBLY BILL NO. 1955—Ashburn.** An act relating to disease prevention, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1956—Vargas.** An act relating to amusement machines.

**ASSEMBLY BILL NO. 1957—Robert Pacheco.** An act to amend Sections 11105 and 13300 of the Penal Code, relating to criminal history information.

**ASSEMBLY BILL NO. 1958—Bates.** An act to amend Section 1092 of the Civil Code, relating to real property.

**ASSEMBLY BILL NO. 1959—Corbett.** An act to amend Section 11454 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1960—Briggs.** An act to amend Section 12131 of the Penal Code, relating to firearms, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1961—Canciamilla.** An act to amend Section 1569.73 of the Health and Safety Code, relating to care facilities.

**ASSEMBLY BILL NO. 1962—Hollingsworth.** An act to amend Section 250 of the Evidence Code, and to amend Section 6252 of the Government Code, relating to electronic communication.

**ASSEMBLY BILL NO. 1963—Hollingsworth.** An act to amend Sections 12027 and 12031 of the Penal Code, relating to peace officers.

**ASSEMBLY BILL NO. 1964—Diaz.** An act to amend Section 36933 of the Government Code, relating to ordinances.

**ASSEMBLY BILL NO. 1965—Bogh and Chavez (Coauthors: Daucher and Wyland) (Coauthor: Senator Battin).** An act to amend Section 32320 of the Education Code, relating to public postsecondary education.

**ASSEMBLY BILL NO. 1966—Matthews.** An act to add Section 47605.1 to the Education Code, relating to charter schools.

**ASSEMBLY BILL NO. 1967—Zettel.** An act to add Section 6609.15 to the Welfare and Institutions Code, relating to sexually violent predators.

**ASSEMBLY BILL NO. 1968—Nation.** An act to add Sections 17138.1 and 24308.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1969—Maddox.** An act to amend Section 13269 of the Water Code, relating to water.

**ASSEMBLY BILL NO. 1970—Matthews.** An act to amend Section 219 of the Code of Civil Procedure, relating to jurors.

**ASSEMBLY BILL NO. 1971—Matthews.** An act to amend Section 7073 of the Government Code, relating to economic development.

**ASSEMBLY BILL NO. 1972—Frommer.** An act to repeal Section 116612 of the Health and Safety Code, relating to drinking water.

**ASSEMBLY BILL NO. 1973—Richman.** An act to amend Section 46206 of the Education Code, relating to public schools.

**ASSEMBLY BILL NO. 1974—Pescetti.** An act to amend Section 20225.5 of the Government Code, relating to public employees' retirement.

**ASSEMBLY BILL NO. 1975—Koretz.** An act to amend Sections 44987, 45210, 87768.5, and 88210 of the Education Code, relating to public education employees.

**ASSEMBLY BILL NO. 1976—Cohn.** An act to add Section 1367.04 to the Health and Safety Code, relating to health care service plans.

**ASSEMBLY BILL NO. 1977—Strickland.** An act to add Section 6397 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1978—Diaz.** An act to add Section 11594 to the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 1979—Steinberg.** An act to amend Section 10609.4 of the Welfare and Institutions Code, relating to human services.

**ASSEMBLY BILL NO. 1980—Bogh.** An act to add Section 6366.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1981—Simitian.** An act to amend, repeal, and add Section 2031 of the Code of Civil Procedure, and to amend Section 6254 of the Government Code, relating to discovery.

**ASSEMBLY BILL NO. 1982—Bogh.** An act to add Section 4850.4 to the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1983—Dickerson.** An act to add Article 9 (commencing with Section 4745) to Chapter 10 of Part 2 of Division 4 of the Public Resources Code, relating to forest resources.

**ASSEMBLY BILL NO. 1984—Steinberg.** An act relating to after school programs.

**ASSEMBLY BILL NO. 1985—Calderon.** An act to amend Sections 739, 11732, 11733, 11735, and 11737 of the Insurance Code, relating to workers' compensation insurance.

**ASSEMBLY BILL NO. 1986—Diaz.** An act to amend Section 20322 of the Government Code, relating to public employees' retirement, and making an appropriation therefor.

**ASSEMBLY JOINT RESOLUTION NO. 34—Hollingsworth.** Relative to disabled military retirees.

## RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 152—Cedillo (Coauthors: Alquist, Aroner, Bill Campbell, Chu, Firebaugh, Goldberg, Havice, Longville, Robert Pacheco, Pavley and Strom-Martin) (Coauthors: Senators Figueroa, Kuehl, Machado, Ortiz, Polanco and Scott).** Relative to Salvadoran Day.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

February 14, 2002

Mr. Speaker: The Chair of your Committee on Health reports:

Senate Bill No. 843

With author's amendments with the recommendation: Amend, and re-refer to the committee.

THOMSON, Chairwoman

**SENATE BILL NO. 843**—An act to add Section 121365.5 to the Health and Safety Code, relating to communicable diseases.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

February 14, 2002

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Senate Bill No. 382

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**SENATE BILL NO. 382**—An act to add Section 51.13 to the Civil Code, relating to housing.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Health**

Date of Hearing: February 12, 2002

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 801

With amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Appropriations.

THOMSON, Chairwoman

Above bill ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, February 12, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Concurrent Resolution No. 144

And respectfully requests the Assembly to concur in said amendments.

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

Senate Chamber, February 12, 2002

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 58

GREGORY P. SCHMIDT, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 58**—Relative to California Eating Disorders Awareness Week.

**ADJOURNMENT**

At 4 p.m., the Assembly adjourned until 8:30 a.m., Friday, February 15, 2002.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 14, 2002**

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The following measures were amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
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843	0200345
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<b>Daily Total:</b>	<b>2</b>
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<b>Cumulative Total:</b>	<b>3438</b>
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